



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/12/2020

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PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.13882 of 2020

V.Arikrishnan

... Petitioner/Accused(sole)

Vs

The State rep.by
The Inspector of Police,
Ramanathapuram Bazar Police Station,
Ramanathapuram District.
Crime No.383 of 2020.

... Respondent/Complainant

For Petitioner : Mr.C.Senthil Murugan,
Advocate.

For Respondent : M/S.M.Anantha Devi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.383 of 2020, on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein was arrested and remanded to Judicial Custody on 09.10.2020 for the offences punishable under Section 379 of IPC r/w Section 21(4) of Mines and Minerals (Development and Regulations) Act, 1957.

2.The case of the prosecution is that the petitioner herein was found in illegal possession of river sand.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner was found in illegal possession of river sand. She would also submit that the petitioner is having one previous case, which is similar in nature.



5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner by imposing conditions.

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6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Ramanathapuram.

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioner shall appear before the respondent police every day twice morning at 10.00 am., and evening at 06.00 pm., for a period of four weeks and thereafter, the petitioner is directed to appear before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
03/12/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1. THE JUDICIAL MAGISTRATE No.I,
RAMANATHAPURAM.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

4. THE INSPECTOR OF POLICE,
RAMANATHAPURAM BAZAR POLICE STATION,
RAMANATHAPURAM DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13882 of 2020
Date : 03/12/2020

SJI
TK/PN/SAR.4/03.12.2020/3P/6C